

AO 120 (Rev. 2/99)

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
-------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 11-01299 DMR	DATE FILED March 17, 2011	U.S. DISTRICT COURT Northern District of California, 1301 Clay St., RM 400S, Oakland, CA 94612
PLAINTIFF INNOVATIVE AUTOMATION		DEFENDANT MICROTECH SYSTEMS INC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,174,362		SEE ATTACHED
2		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		SEE ATTACHED
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wiekig	(BY) DEPUTY CLERK	DATE
----------------------------	-------------------	------

Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

RECEIVED
201 MAR 17 P 3:35
CLERK OF DISTRICT COURT

GUTRIDE SAFIER LLP
ADAM J. GUTRIDE (State Bar No. 181446)
adam@gutridesafier.com
SETH A. SAFIER (State Bar No. 197427)
seth@gutridesafier.com
TODD KENNEDY (State Bar No. 250267)
todd@gutridesafier.com
835 Douglass Street
San Francisco, California 94114
Telephone: (415) 789-6390
Facsimile: (415) 449-6469

BOOKE & AJLOUNY LLP
VICTORIA L.H. BOOKE (State Bar No. 142518)
vbooke@gmail.com
PETER AJLOUNY (State Bar No. 192322)
peter@bookelaw.com
606 North First Street
San Jose, California 95112
Telephone: (408) 286-7000
Facsimile: (408) 286-7111

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

INNOVATIVE AUTOMATION LLC,

Plaintiff,

v.

MICROTECH SYSTEMS, INC.,

Defendants.

Case No. **11 1299**

Complaint for Patent Infringement

Demand for Jury Trial

Date: March 17, 2011

1 Plaintiff Innovative Automation LLC states its complaint against Defendant
2 Microtech Systems, Inc. and alleges as follows:

3 **THE PARTIES**

4 1. Plaintiff Innovative Automation LLC ("Plaintiff" or "Innovative Automation")
5 is a limited liability company organized and existing under the laws of the State of
6 California, with its principal place of business at 606 North First Street, San Jose, California
7 95112.

8 2. Upon information and belief, Defendant Microtech Systems, Inc. ("Microtech"
9 or "Defendant") is a corporation organized and existing under the laws of the State of
10 California, with its principal place of business at 1164 Triton Drive, #100, Foster City,
11 California 94404.

12 **JURISDICTION AND VENUE**

13 3. This action is for patent infringement pursuant to the patent laws of the United
14 States, 35 U.S.C. §§ 1 *et seq.* This Court has subject matter jurisdiction over the action
15 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

16 4. This Court has personal jurisdiction over Microtech because, on information
17 and belief, Microtech does and has done substantial business in this judicial District,
18 including (i) maintaining its principal place of business in this judicial District; (ii)
19 committing acts of patent infringement and/or contributing to or inducing acts of patent
20 infringement by others in this judicial District and elsewhere in California; and (iii) regularly
21 doing business or soliciting business, engaging in other persistent courses of conduct, and/or
22 deriving substantial revenue from products provided to persons in this District and in this
23 State.

24 5. Venue is proper in this judicial District pursuant to 28 U.S.C. §§ 1391 and
25 1400(b) because Microtech resides in this judicial District, and because a substantial part of
26 the events giving rise to the claims occurred in this judicial District.
27
28

CLAIM FOR RELIEF

(Infringement of United States Patent No. 7,174,362)

6. Plaintiff realleges and incorporates by reference paragraphs the above paragraphs of this Complaint, inclusive, as though fully set forth herein.

7. Plaintiff is the owner of all right, title, and interest in United States Patent No. 7,174,362, entitled "Method and System for Supplying Products from Pre-Stored Digital Data in Response to Demands Transmitted via Computer Network," duly and legally issued by the United States Patent and Trademark Office on February 6, 2007 (the "'362 patent"). A true and correct copy of the '362 patent is attached hereto as Exhibit A.

8. The '362 patent generally describes and claims a computer-implemented method of digital data duplication. In the method of claim 1 of the '362 patent, a request is taken at one or more user interfaces and is transmitted through a network to a computer. The computer contains a module to create a task log based on incoming requests; a module for storing the necessary data; and a module to create a subset of the data, download that subset to an output device, and command the device to transfer the subset onto blank media. The request is assigned to an output device, and the duplication process is executed. Claims 2-8 of the '362 patent describe various other methods and a system of digital data duplication.

9. Microtech has infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the '362 patent under 35 U.S.C. § 271 by making, offering to sell, and selling infringing media duplication devices. For example, Microtech's Xpress XL device takes requests at a user interface and transmits them through a network to a computer. (*See, e.g., Exs. B and C.*) The computer contains a module to create a task log based on incoming requests; a module for storing the necessary data; and a module to create a subset of the data, download that subset to an output device, and command the device to transfer the subset of data onto blank media. (*See, e.g., id.*) The Microtech Xpress XL assigns the requests to output devices, and the duplication process is executed. (*See, e.g., id.*) Microtech's products that operate in this way infringe, without limitation, claim 1 of the '362 patent under 35 U.S.C. § 271.

10. On information and belief, Microtech has knowledge that its infringing products, including without limitation the Microtech Xpress XL, are especially made or especially adapted for use in a manner that infringes the '362 patent. For example, Microtech's infringing products are made or adapted to be connected to a network to perform the method of digital data duplication claimed in the '362 patent. Microtech's infringing products are not staple articles or commodities of commerce suitable for substantial noninfringing use.

11. As a result of Microtech's infringing activities, Plaintiff has suffered damages in an amount not yet ascertained. Plaintiff is entitled to recover damages adequate to compensate it for Microtech's infringing activities in an amount to be determined at trial, but in no event less than reasonable royalties, together with interest and costs.

12. Plaintiff reserves the right to allege, after discovery, that Microtech's infringement is willful and deliberate, entitling it to increased damages under 35 U.S.C. § 284, and to attorneys' fees incurred in prosecuting this action under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests entry of judgment in its favor against Microtech as follows:

- a) For a declaration that Microtech has infringed, directly and/or indirectly, the '362 patent;
- b) For an award of damages adequate to compensate Plaintiff for Microtech's infringement of the '362 patent, but in no event less than a reasonable royalty, together with prejudgment and post-judgment interest and costs, in an amount according to proof;
- c) For an entry of a permanent injunction enjoining Microtech, and its respective officers, agents, employees, and those acting in privity with them, from further infringement, including contributory infringement and/or inducing infringement, of the '362 patent, or in the alternative, awarding a royalty for post-judgment infringement;

1 d) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise
2 permitted by law; and

3 e) For an award to Plaintiff of such other costs and further relief as the Court
4 may deem just and proper.

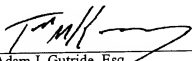
5 **DEMAND FOR JURY TRIAL**

6 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully
7 requests a trial by jury.

8
9 Respectfully submitted,

10 Dated: March 17, 2011

11 **GUTRIDE SAFIER LLP**

12 
13 Adam J. Gutride, Esq.
14 Seth A. Safier, Esq.
15 Todd Kennedy, Esq.
16 835 Douglass Street
San Francisco, California 94114
Telephone: (415) 789-6390
Facsimile: (415) 449-6469

17 Victoria L.H. Boone
18 Peter Ajlouny
19 BOOKE & AJLOUNY LLP
20 606 North First Street
San Jose, California 95112
Telephone: (408) 286-7000
Facsimile: (408) 286-7111

21 Attorneys for Plaintiff Innovative
22 Automation LLC
23
24
25
26
27
28